

EASTERN DISTRICT OF NEW YORK

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KHALID MAHMOOD,

Plaintiff,

ORDER

- against -

CV 2005-5400 (NGG)(MDG)

RITE AID CORPORATION, et ano,

Defendants.

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In accordance with discussions at a conference on July 21, 2006, defendants have submitted for in camera inspection three disputed documents contained on defendants's privilege log that were the subject of plaintiff's motion to compel (ct. doc. 10). After reviewing the documents, this Court finds that all three documents were properly described in the privilege log.

1. The e-mail bearing bates number 0410 relates a discussion with legal counsel.

2. The memorandum bearing bates number 0411-0414 is a response by counsel to a request for advice and contains legal analysis of applicable laws. In light of this conclusion, this Court does not address whether the document constitutes work product given the sparse record available.

3. The memorandum bearing bates number 0415 is a request for legal advice.

Because defendants properly invoked the attorney-client privilege, plaintiff's motion is denied. See Upjohn Co. v. U.S.,

449 U.S. 383, 390 (1981) ("the privilege exists to protect not only the giving of professional advice to those who can act on it but also the giving of information to the lawyer to enable him to give sound and informed advice) (citations omitted).

SO ORDERED.

Dated: Brooklyn, New York
 October 13, 2006

/s/_____
MARILYN D. GO
UNITED STATES MAGISTRATE JUDGE